

## ARBOR DAY OBSERVED

(From Saturday's Advertiser.)

Arbor Day was generally observed yesterday by the public schools, and many of the private schools joined in. It was the first Arbor Day in Hawaii, and the students were enthusiastic over it. Many of the schools went into the tree planting with special ceremony; others carried out the plan decided upon by the Department of Education. As a result a forest of young trees were set out yesterday and even if only half of them thrive, the school grounds have been beautified to some extent.

Governor Carter took part in the exercises held at the High School at 1 p. m. The seniors planted a class tree. The exercises opened with the assembling of the pupils in the large hall. Principal Scott made an address, following an introductory song. Mr. Scott spoke along lines suggested by President Roosevelt with regard to tree planting. He referred to the origin of Arbor Day and the excellent opportunities offered in the islands for beautifying the surroundings of schools and homes.

Then followed the planting of a bread fruit tree in a circle in the lawn makai of the building, the planting being done while a song was rendered by four hundred voices under the direction of Mrs. Yarnley.

Governor Carter referred to his school days. The school children, he said, had their own future and that of their country in their hands. The fifteen or twenty thousand school children of Hawaii could accomplish much if they put themselves to the task. On his asking each class what country it considered the best and what school the best in the Territory, there was a generally unanimous response that the United States was at the head, and that the High School was about the only institution in Hawaii. The exercises closed with Hawaii Pono.

At the Kaula School the following program was observed:

1. The origin of Arbor Day, address by Mrs. Frasher, principal.
2. An appreciation of J. Sterling Morton, originator of the idea of Arbor Day. Room 10.
3. Arbor Day. Room 13.
4. Song, "Sleeping Trees," Rooms 1, 2, 3, 4 and 5.
5. Recitation, "Woodman, Spare That Tree!" Room 9.
6. Local historical trees. Room 12.
7. Some famous trees. Room 13.
8. Song, "The Kiawe Trees," Rooms 6 and 7.
9. Quotations, Room 8.
10. Song, "Under the Tree," Room 11.

The above occurred indoors. The outdoor program is as follows:

1. Song for Arbor Day, Room 8.
2. Recitation, "Arbor Day," Room 9.
3. "What Plant We in the Apple Tree?" Room 11.
4. Song, "Sports of Childhood," Room 11.

The Golden Shower will be a new tree for the Kaula grounds. The tree's colors (gold and green) are also the school colors.

At the Royal School a large number of trees were set out. The school grounds offer exceptional opportunities for tree planting, being at present without shade in many portions. Principal Mackintosh remarked that it was unfortunate Arbor Day should have been selected for November 2, as that is the day on which the Emperor of Japan's

### FOUNDED IN HONOUR.

No doubt you have seen in the papers such announcements as this concerning some medicine or other: "If, on trial, you write that this medicine has done you no good we will refund your money."—Now, we have never had reason to speak in that way concerning the remedy named in this article. In a trade extending throughout the world, nobody has ever complained that our medicine has failed, or asked for the return of his money. The public never grumbles at honesty and skillfully made bread, or at a medicine which really and actually does what it was made to do. The foundations of

### WAMPOLE'S PREPARATION

are laid in sincerity and honour, the knowledge of which on the part of the people explains its popularity and success. There is nothing to disguise or conceal. It was not dreamed out, or discovered by accident; it was studied out, on the solid principles of applied medical science. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. This remedy is praised by all who have employed it in any of the diseases it is recommended to relieve and cure, and is effective from the first dose. In Anemia, Scrofula, Nervous and General Debility, Influenza, La Grippe, and Throat and Lung Troubles, it is a specific. Dr. Thos. Hunt Stucky says: "The continued use of it in my practice, convinces me that it is the most palatable, least nauseating, and best preparation now on the market." You can take it with the assurance of getting well. One bottle proves its intrinsic value. "It cannot be disappointed in you." Sold by all chemists everywhere.

birthday is celebrated, and few of the Japanese children could attend. The musical program at the Royal was under the direction of Mrs. Alice Brown. The following songs were sung by classes, under the direction of their respective teachers:

"The Grandpa Tree," led by Miss Sorenson; "Trees' Friends," Miss Helen Smith; "The Papaia," Miss Brickwood; "The Cocoa Palm," Miss Bindt; "The Kiawe," Miss Angus and "Little Plants," by the younger children.

Principal Mackintosh made an address on arboriculture, and the upper grades concluded the exercise by singing "Roaming" and "Hawaii Pono."

### AT OAHU COLLEGE.

The Arbor Day program as outlined by the trustees of Oahu College was carried out yesterday in College Hills. The main avenues of this school have been divided into seven sections, in each of which one kind of tree will be planted. The selections of trees, made largely through the advice of Superintendent F. S. Hoemer and Forester Haugha, include poinciana regia, yellow poinciana, eucalyptus robusta, Monterey cypress, grevillea and Java plum. The college furnishes the 500 trees that will be necessary to plant the avenues, superintends the planting of them, and agrees to take care of those planted in front of unsold lots. As the greatest interest has been shown by practically every one in College Hills, there is no doubt that the trees will receive good care. One of the owners yesterday expressed himself as very much pleased with the project, saying that it would greatly increase the beauty and value of all the property in the tract. The first tree was planted at 4:30 at the corner of Kamehameha avenue and Manoa road and then successively one tree was planted in each section. The rest of the trees, which have been grown in the nursery at the college under the direction of Superintendent Frank Barwick, are ready for planting. They will be put in now as rapidly as possible.

### NORMAL SCHOOL.

At the Normal School appropriate exercises were followed by the planting in each grade. Fruit trees were generally chosen. An excellent address was made by Forester Ralph S. Hoemer.

### IN KALIHI VALLEY.

Interesting Arbor Day exercises were held yesterday at Kalihi-waena schools. Mr. Hoemer was chairman. Trees were planted under the direction of Miss Georgia Allen, principal of the school. Mr. Allan Herbert made a short address, in which he complimented Miss Allen for her efficiency, and stated that Mr. Hoemer, Mr. Hawes, Geo. Smith, Prof. Perkins and Prof. Koehle had done more for the islands than the salary of the men for the balance of their natural lives would amount to even if they lived to be as old as Methuselah. Adjourment was then had to Walelele. Mr. Herbert's home, and a luncheon was served of things grown on his place. The menu was: Chicken consommé, roast capon, new potatoes, green peas, corn, tomatoes and salads.

## NEWS NOTES FROM HILO TRIBUNE

H. S. Overend, the genial manager of W. C. Peacock & Co., Honokaa, was quietly married on Wednesday evening, October 18, to Miss Charlotte L. Williams, daughter of County Attorney Charles Williams. Rev. C. W. Hill performed the ceremony and only the immediate family of the contracting parties were present. Mr. and Mrs. Overend will reside at Honokaa.

Announcement is made of the engagement of John Maguire, proprietor and manager of the Huehue Ranch, North Kona, and Miss Eliza Low, a sister of Eben P. Low. Miss Low has been housekeeper and confidential clerk of Mr. Maguire for many years, and the romance of their courtship has resulted in the above announcement. Mr. Maguire is father of County Auditor Chas. K. Maguire, who was recently married himself and is now residing at Hilo. No date is fixed for the nuptials of the elder Maguire and his fiancée.

Chalmers A. Graham, the Standard Oil magnate of San Francisco, is touring Hawaii on business. He is accompanied by A. McC. Ashley, director of the local branch of the U. S. Weather Bureau, who is inspecting the instruments stationed in various part of the island.

Wm. Alexander, employed by Welch & Co. as weigher on the wharves of that line, was the sole passenger on the Amy Turner. He makes his first visit to the islands and will see Honolulu, the volcano and other points of interest before his return on the same vessel.

The Secretary of the Board of Trade of Hilo has been appointed a committee of one to inquire into the advisability of having a public dance on Thanksgiving night in the Armory, for the purpose of raising funds to pay off the indebtedness on Moohau hall.

It is reported that F. Souza at San Francisco is marketing a new essence of coffee made from the Hawaiian product, said to be of superior quality.

The Kinau brought news of a serious fire at Kukui plantation last Thursday night. It appears that steam was up on Thursday for the purpose of turning the rollers and other machinery to ascertain if everything were in good condition. It is presumed that the fire made its way through a mass of trash into the mill house where the rollers and some other machinery were located. That section of the mill was practically destroyed before the fire was gotten under control. The boiling house was not reached by the flames.

### A WORD TO TRAVELERS.

The excitement incident to traveling and change of food and water often brings on diarrhoea, and for this reason no one should leave home without a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy. For sale by all dealers and druggists, Benson, Smith & Co., Ltd., agents for Hawaii.

## CARTER WINS PARKER CASE IN ENTIRETY

(From Saturday's Advertiser.)

With the suddenness of a thunderbolt, almost, Judge Lindsay yesterday afternoon decided the Parker Ranch case which he had given patient hearing for sixty days. It was in favor of A. W. Carter, the minor's guardian, on all points.

Immediately the last word of argument on a crucial motion pending had been uttered, about five o'clock, Judge Lindsay asked Stenographer Ralph A. Kearns to take his desk. A profound stillness ensued among the members of the bar, the officers of the court, the interested parties in attendance and the dozen or so of curious spectators. It was evident that something momentous was going to drop. And it did.

With a few broad strokes of narratory diction, Judge Lindsay sketched the controversy that for a year and a half has jeopardized all interests in one of the biggest properties in Hawaii. Practically adopting the contention made on behalf of A. W. Carter, guardian of the minor, Annie T. K. Parker, and manager of the Parker ranch—that the proceedings to remove him from both positions, taken in the Circuit Courts of both the First and the Third Circuits, were instigated not in the interests of the minor, but in those of the Hamakua Ditch Co.—Judge Lindsay granted the motion of the minor's mother, Mrs. Knight, to cancel former Judge Gear's appointment of J. S. Low as next friend of the minor.

Then the lightning struck the main suit, to remove the guardian, which was dismissed.

The final stroke came in awarding all costs against the late next friend. This disposed of the latter's motion to allow him a \$2000 attorney's fee, with other trimmings, out of the minor's estate.

It was said among members of the bar, going away from the scene, that the decision left the way open for Mr. Carter to sue the next friend for attorney's fees.

Costs of court alone, however, will make a formidable account for the defeated petitioner to settle. Besides the ordinary expenses of the sixty days' final hearing, there were previous hearings before Judge Gear and there is the expense of a cloud of witnesses, most of them brought from the Island of Hawaii.

There remains the receivership of the Parker ranch created by the Judge of the Third Circuit, under proceedings taken by Mr. Carter to protect the ranch from threatened anarchy.

### JUDGE LINDSAY'S DECISION.

I do not in giving my decision intend to say very much. In fact, I think the less said the better.

From the evidence in this case it seems that several corporations existed upon the Island of Hawaii that had for their purpose the exploiting of the water in the Kohala mountain shed. The personnel of the stockholders and officers in these corporations were practically the same, and as far as the court is aware from the evidence, consisted principally of Mr. Samuel Parker, whose interest has not perhaps been exactly stated to the court; but there is no hiding the fact that he was one of the chief men in the corporations. That J. T. McCrosson was the active spirit in this; that John Hind, of Kohala, had also some

interest in some of these corporations. Mr. J. F. Low was the manager of the firm of Hind, Ralph and Company, and also was an officer, secretary I believe, in one of these corporations, the corporations being desirous of obtaining a right of way across a piece of land belonging to the minor, Annie T. K. Parker; and it appears that McCrosson had had some little talks with the guardian over this, and, according to his way of thinking, had been refused the right of way. But it is in evidence that he acquainted Mr. Low with these facts, and urged that Mr. Low do something towards compelling the guardian to either give this right of way, or to sell a piece of land that she owned there, for the sum of \$124,000. Mr. Low, armed with this one thought, the thought of getting a

## THE ADVERTISER CHARGES UPHELD BY DISTRICT COURT

(From Saturday's Advertiser.)

Gambling received three knockout blows from Judge Whitney yesterday morning. The notorious Alex. Nicholas, gambler, ex-policeman and ex-bar-tender, was fined \$500 and costs, as also was David Laelae the same amounts. Philip Rivers, in whose house the gambling was conducted, was then tried on the same evidence by stipulation between J. W. Catheart, his counsel, and the County Attorney. The charge against him was under Section 3173 of the Revised Laws which reads:

"Every person who lets or permits to be used any building or vessel, or any portion thereof, knowing that it is to be used for setting up, managing or drawing any lottery, or for the purpose of selling or disposing of lottery tickets, chance, share or interest in or depending upon the event of any lottery, or who knowingly permits any game or games prohibited by Section 3173-3182 to be played, conducted or dealt in any building or vessel owned or rented by such person in whole or in part, is guilty of a misdemeanor."

The penalty for either gambling or using any house for that purpose is not to exceed \$1000 or imprisonment for not more than one year.

The list of things included under Sections 3173-3182 above referred to is a long one as follows: Lottery, faro, roulette, monte, tan, fan-tan, or any banking or percentage game played with cards, dice or any devices for money, checks, credit or any representative of value, or any other game in which money or anything of value is lost or won; "three card monte," "shell game," or any other game, device, sleight of hand, pretention to fortune telling, trick or other means whatever by use of cards, or other implements or instruments, or while betting on sides or hands of any such play or game, thus fraudulently obtaining from another person money or anything of value; betting or gambling upon any horse race, boat race, ball game, bicycle race or any athletic game, sport or contest, in any manner whatsoever, either by risking money or any other thing of value.

The Judge at once declared Rivers guilty and fined him \$250 and costs.

These were the famous cases resulting from the expose of the Advertiser of the game being conducted at Rivers' place near the Government Stables at Kakaako by Nicholas and Laelae. An Advertiser reporter found the place in full blast and wrote it up.

Then followed Nicholas' assault upon the reporter at the fishmarket with a cane, the prompt arrest of the Advertiser representative and the tardy arrest of Nicholas for assault with a deadly weapon, the suddenly thought-of arrest of the Advertiser's witness Devauchelle upon a three-days-old profanity charge, his immediate bailing out by the Advertiser to prevent a possible session in the police sweat box, the postponements of the main trials and the final closing of the testimony Thursday, Police Justice Whitney reserving his decision until yesterday morning.

The scene in court was typical of police courts in which justice is fairly administered. The judge announced simply that he found both defendants guilty and immediately ordered them to stand up to be sentenced. No more consideration was given them than a common drunk and it seemed to hurt. Both men sat for some time as if dazed.

Their attorney, J. W. Catheart, however, managed to note an appeal which was afterwards perfected and the men were released on bond to appear before the Circuit Court.

There was another gambling case on yesterday, five pakes who were alleged to have been playing pai-kan over Sing Mow's butcher shop on Hotel and Maunakea streets. Evidence of gambling and of cards was produced but no evidence of money being lost or won. The defendants were accordingly discharged.

right of way across the land of the minor, proceeds to an attorney, Mr. Magoon, and states his case to him. It develops in time that he is informed, or he comes to believe, that the proper method of proceeding should be in the nature of a petition to remove the guardian of the minor. His whole avowed intent in going to see the lawyer at first was to forward the interests of the Hamakua Ditch Company; his own language on the stand was that he was urged by the active manager, McCrosson, to do so. In this case, there can be no doubt that the interests of the minor, which the next friend alleges to have had, was a secondary thought; it was only conveyed to him after a consultation with his counsel, and in fact he himself says he knew nothing whatever about the charges of mismanagement of the guardian. This all cropped up after the suit was brought. Eben Low was engaged actively in collecting data at these times.

A motion was brought by respondent and filed in court, seeking to enquire into the status of J. S. Low, and to enquire into his motives, and to see if he was a fit person to act as next friend. That motion, as I understand it, by my predecessor was not passed upon, but in order to escape the laborious task of having to go twice through the evidence, which he considered would be necessary, in order to arrive at a proper conclusion as to the motives of the next friend, this motion was delayed, or postponed, to be decided when this case was tried upon its merits. A later motion was made by the next friend and his attorneys for counsel fees, attorneys' fees, for costs and attorneys' fees, which this court also postponed.

The motion now before the court is the motion to rescind the authority of J. S. Low, next friend, to act, and to dismiss this suit. After having heard all the evidence in this case, which has taken some sixty days, this court is very much of the opinion, has not the slightest bit of doubt, that the suit as a whole against the guardian should be dismissed, and upon its own motion so orders, that the main suit against the guardian herein be dismissed. And that the motion that we are now dealing with to rescind the order appointing J. S. Low, as next friend, be granted, and that the suit be dismissed, with costs to the next friend. It is so ordered.

### CLOSING WRANGLES.

Judge Lindsay had ruled, against strenuous resistance by J. A. Magoon, to hear argument forthwith upon the motion of Mrs. Elizabeth J. Knight, for the removal of J. S. Low as next friend of her minor daughter (by her former husband, John P. Parker Jr., deceased). With Low removed, if no successor were appointed, his petition for the removal of A. W. Carter as guardian of the minor would fail.

Mr. Magoon contended that a prima facie case had been made out against Carter, and said it would be bad faith on the part of the court to refuse to consider the merits of the case. Even if Carter were not removed as the result, the court could give him new instructions. It also might award to the next friend such fees and compensation as were proper.

Mr. Kinney contested the assertion that a case had been made out against Carter. The mother was entitled to be heard on her motion presented a year ago, to the effect that the next friend of her child was only an intermeddler, in reality promoting the interests of Sam Parker and of others which were hostile to those of the minor. The property of the child had been for more than a year in the hands of despoilers, without the mother having had a hearing.

When the court had given the right of way to the motion, Mr. Kinney presented it with a brief argument, closing at 11:30. Mr. Ballou cited legal authorities on the subject of next friends.

Mr. Magoon occupied the remainder of the day until after 4 p. m., contending for the bona fides of the next friendship and arguing that a case had been shown of inefficient guardianship. He spoke of strong feelings displayed against himself and Low during the trial by opposite counsel, contrasting their conduct with his own calm demeanor and decorous bearing.

Mr. Kinney replied, speaking about three-quarters of an hour. Candidly admitting all that Mr. Magoon had said about himself, Mr. Kinney could not see how he could have behaved otherwise. It was necessary to an attorney occupying a position that not another member of the Hawaiian bar would have dared to assume. While admitting that he was representing the interests of Sam Parker, who was trying to dispossess the minor of her interests in the Parker ranch, Mr. Magoon had the audacity to pretend that he was fighting for the interests of the minor. There was such a thing, moreover, as preserving a placid countenance while sinking the hatchet deep.

Mr. Kinney heaped ridicule on the assumption of Low and his attorney that Carter was unfaithful to his trust because, forsooth, he did not agree, after half an hour's interview with McCrosson, to give a right of way to the Hamakua Ditch Co. over the minor's lands. And that was actually the only reason Low could give the attorney for bringing suit to remove the guardian. Mr. Magoon, however, padded the petition with charges trumped up against Carter and, on the hearing of the case, "the sewers of Hawaii" had been raked for proof of the charges. A crowd of cowboys, many of them Eben Low's cousins, were put on the witness stand for this purpose. Mr. Magoon's conduct throughout counsel characterized as an insult to a court of justice, "brazen effrontery" and "criminality."

Mr. Magoon objected to the line of reply, but the court ruled that Mr. Kinney was within his rights.

Mr. Kinney paraphrased the claims of the next friend as they would appear in the syllabus of a Supreme Court decision if sustained, to emphasize what he regarded as their ridiculous character.

Altogether Mr. Kinney's brief reply was one of the warmest roasts any lawyer has ever given another at the Hawaiian bar.

## AGAINST CIVIC FEDS.

The rules of the Republican party sadly need revision. That was plainly manifest at the regular meeting of the Territorial Central Committee last night. How to do it is, however, a bone of contention or, at least, it looks as though it would be.

The revision committee, Representative F. T. Waterhouse, Senator John C. Lane and John A. Hughes, presented two reports. Lane being in the minority. Both reports simplify the organization, but by different means. The majority report stops there, but the minority report recommends a change in the method of handling patronage and also provides that Republicans joining "any organization, association or club that opposes ANY regularly nominated candidate of the party" thereby ceases to be a regular Republican and can only be restored to grace by a two-thirds vote of the Territorial Central Committee.

Senator Lane openly declared these two additional features were to be directed at the Civic Federation. He declared the Civic Federation to "have a good object in view, to purify politics," but a man can not serve two masters. If one is an active party man, he must either serve the party or be member of the Civic Federation. For instance, if a man enters the Civic Federation, he must serve the Civic Federation and can not be faithful to the Republican party and be faithful to the Civic Federation. He must be a traitor to either one or the other. The party must do something for its own protection. If a man can not be faithful to the party he must get out of it. When he reforms, by a two-thirds vote of the Territorial Central Committee he may be restored to membership in the Precinct Republican Club. I think that is nothing but right."

Other than to order copies of both reports sent to each of the thirty members of the Territorial Committee, nothing else was done at last night's meeting. The formal notices were given which will bring the amendments regularly before the next meeting.

An analysis of the present and past Republican organization in Hawaii will serve to clearly show the present complications of its machinery.

When the party was organized in 1900, the first Territorial convention meeting on Decoration Day and the day following adopted party rules and delegated to the Territorial Central Committee, consisting of as many members in each representative district as such district had members in the House, and its successors, power to amend these rules.

At that time there were no counties and the only elective officials were a delegate to Congress (voted for in every district), fifteen Senators (elected from four senatorial districts) and thirty Representatives (elected from six representative districts.) It is plain, therefore, that the only party machinery required was a delegate or Territorial convention, senatorial conventions and representative conventions and a central or managing committee for each district in each class.

But with four senatorial and six representative districts, and our division also into islands, what is now Maui county was also one entire representative district. This also applied to what is now Kauai county. But Oahu and Hawaii, while being separate senatorial districts, each included two representative districts. The rulemakers themselves provided for but two conventions, a delegate or Territorial and a representative, which they styled "district" convention, the latter of which nominated both the Senate and House tickets. On Oahu and Hawaii, however, a joint convention was provided for to nominate senatorial candidates, but no senatorial campaign committee was provided for. On Oahu, the Territorial committee acted as such, and on Hawaii the separate district conventions by tacit understanding each nominated half the senatorial ticket and their campaign committees acted independently.

When counties were organized a new set of elective officials was provided for and a new kind of convention and campaign committee was required. How to do it without creating unnecessary machinery was, and is at present, the hard question, for it will at once be seen that Maui county and Kauai county, each comprising but one county, one senatorial and one representative district, and Hawaii and Oahu counties, each comprising one county and senatorial district, but two representative districts. Jealousy exists between the 4th and 5th districts into which Oahu is divided and the difficulties of travel between the 1st and 2nd districts into which Hawaii is divided are marked.

The majority, or Waterhouse-Hughes report, recommends a county convention to nominate not alone county, but also senatorial and representative candidates. In Maui and Kauai the central committee appointed by their respective conventions will handle all campaigns except that of the delegate, which is under the control of the Territorial Central Committee. On Hawaii and Oahu counties, the conventions will be held in each representative district and the respective campaign committees by these conventions respectively appointed will meet with the other campaign committee in the same county and thus form a senatorial and county convention for nomination of senators and county officers. The county conventions thus formed will choose a county campaign, or central, committee, which will be in charge of all county and senatorial campaigns, leaving representative campaigns to the separate representative district campaign committees.

As this is a delegation of power removing the principal conventions one step from the primaries, it is proposed to enlarge the district conventions by 66 2-3 per cent. In other words, the district conventions on Oahu and Hawaii will choose the delegates to the county and senatorial conventions. (Continued on page 6.)